

Application No. 10/776,018
Filed: 2/10/2004
TC Art Unit: 3673
Confirmation No.: 9076

REMARKS

Allowable Subject Matter

Examiner has indicated that original claim 18 would be allowable subject matter upon rewriting to include limitations of the base and intervening claims (see Office Action, page 5-6). New Claim 24 is presented herein, based upon original claim 18 and rewritten to include all the limitations of the original base claim 1 and original intervening claim 15. Claim 24 is allowable subject matter because the references do not teach the limitation of original claim 18 that "the said fire-retardant foam material is received in a cavity between said first and second foam body". Thus, Applicant respectfully urges that claim 24 is in form for allowance.

Rejections Under 35 U.S.C. § 112

Examiner has rejected claim 8 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, asserting that the recitation "seat apparatus in particular a seat and/or couch" is considered range within a range.

Application No. 10/776,018
Filed: 2/10/2004
TC Art Unit: 3673
Confirmation No.: 9076

Applicant has amended Claim 8 to remove the construction objected to. New claims 24 and 25 have been added which depend from claim 8 in order to claim the specific subject matter previously intended within the original claim 8.

Rejections Under 35 U.S.C. § 102

These rejections are deemed moot as all rejected claims now depend from claim 24 which has allowable subject matter.

SUMMARY

Applicant respectfully requests entry of the foregoing amendments. Claims 1, 15 and 18 have been cancelled. Claims 10, 11, 14, 20 and 23 remain as previously presented in the Preliminary Amendment. Claims 2-9, 12-13, 16-17, 19 and 21-22 are Currently Amended. New claims 24, 25 and 26 have been added.

These Amendments put the claims into proper form for further examination and/or allowance. Kindly calculate any additional fees required based on the amended claims.

Applicant respectfully requests, owing to the Preliminary Amendment not having received examination, that Applicant be allowed a subsequent non-final Office Action for further response.

-11-

Application No. 10/776,018
Filed: 2/10/2004
TC Art Unit: 3673
Confirmation No.: 9076

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter which would expedite allowance of the present application.

Respectfully submitted,

ROBERT LIEVESTRO, ET AL.

By: 

Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN, GAGNEBIN
& LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Date: 6-16-05

JJL/dkh/322569